THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 25205 of 2007

Date:27-11-2007

Between:

Yerramsetty Srinu and five others

...

Petitioners

AND

The Tahsildar, Rajahmundry Rural mandal and another

..

Respondents

-

-

ORDER:

The petitioners seek a writ of mandamus to declare the action of the first respondent in initiating proceedings under the Land Encroachment Act vide notices, dated 16.11.2007 against the petitioners in relation to plot bearing Nos.67, 2, 15, 29, 17 and 13 in Sy.No.581/2 situated in Vaddi Veerabhadra Rao Colony, Kolamuru, Rajahmundry Rural, East Godavari District, as illegal and arbitrary.

It is the case of the petitioners that the said house sites have been assigned for the purpose of constructing the houses within the stipulated time and the petitioners have constructed temporary houses and they are residing therein. It is the case of the petitioners that they have not violated any terms and conditions of house site pattas. While so, the first respondent/Tahsildar issued notices under Section 7 of the A.P. Land Encroachment Act (for short 'the Act') to the petitioners calling upon their explanation within 15 days as to why they shall not be summarily evicted from the house sites.

It is stated that in pursuance of the said notices, dated 16.11.2007, the petitioners have filed their explanation/representation on 19.11.2007.

It is the case of the petitioners that even before the explanations are considered and disposed of and even before the final orders are passed under Section 6 of the Act, the respondents are taking steps to interfere with the peaceful possession and enjoyment of the lands of the petitioners.

I am not inclined to express any opinion as to whether final

orders are passed or not and whether the respondents are interfering with the possession of the petitioners even before the final orders are passed under Section 6 of the Act, as the appeal lies under Section 10 of the Act before the Revenue Divisional Officer, it may not be just and proper to interfere with the possession of the petitioners.

Having regard to the facts of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioners from their lands without passing any final orders under Section 6 of the Act. There shall be no order as to costs.

_____

V.ESWARAIAH, J.

Date:27.11.2007
ccm